

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:17-CR-00035-9D

UNITED STATES OF AMERICA :
 :
 v. :
 :
 ANDRES GARZA :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on April 27, 2020, and the defendant's guilty plea to offenses in violation of 21 U.S.C. § 846, the Court finds that the property listed in Exhibit A is hereby forfeitable pursuant to 21 U.S.C. § 853; and

AND WHEREAS, by virtue of said guilty plea and the defendant's agreement therein, the United States is now entitled to entry of a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(2); and to seize the specific property subject to forfeiture, to conduct any discovery the Court considers proper in identifying, locating, or disposing of the property, and to commence proceedings that comply with any statutes governing third-party rights, as provided by Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the plea of guilty by the defendant, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to

the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3).


2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED, this 23 day of November, 2020.



JAMES C. DEVER III
United States District Judge

Exhibit A
(Items for Forfeiture)

- 1) \$10,559 in U.S. Currency
- 2) \$158,034 in U.S. Currency
- 3) 2008 Chevrolet Silverado, VIN: 2GCEK13M981236229
- 4) 2016 Harley Davidson Motorcycle, VIN: 1HD1KRM15GB606297
- 5) 2016 Ford F250, VIN: 1FT7W2BT2GED44572
- 6) 2015 Toyota Avalon, VIN: :4TBKIEB7FU160537
- 7) 2014 Lexus GS 350, VIN: JTHBE18L7E5043234
- 8) 2011 Ford F250, VIN: 1FT7W2BT7BEC84233
- 9) 2011 Ford Econoline Van, VIN: 1FBNE3BL1BDB12841
- 10) Saiga 12 shotgun, serial number: H11419121
- 11) Winchester SXP shotgun, serial number: 1ZAZY17285
- 12) Remington 11-87 shotgun, serial number: RC839911
- 13) Mossberg 20 gauge shotgun, serial number: T1751320
- 14) AK-47 rifle, serial number: AB-2313-80
- 15) Browning .270 rifle, serial number: 311ZW15439
- 16) Winchester model 70 rifle, serial number: G124655
- 17) Thompson Center .30-06 rifle, serial number: JAA0708
- 18) Ruger .22 rifle, serial number 236-28501
- 19) Springfield XD handgun, serial number: US686129
- 20) Glock 43 handgun, serial number: ZEB221
- 21) Glock 42 handgun, serial number: AAW4104
- 22) Ruger LCP handgun, serial number: 371-10002

- 23) Ruger CCP handgun, serial number: 37143831
- 24) FN Five-seven handgun, serial number: 386283213
- 25) North American Arms Provo Utah, .22 gun, serial number: E018258
- 26) Beretta 3032 Tomcat .32 auto, Accokeek MD, serial number DAA53643
- 27) Beretta Model 8040 F Cougar, serial number: 097556MC
- 28) Glock 22 handgun, serial number: AAHE454
- 29) Ruger Model 10/22, .22 camo print, serial number: 255-47116
- 30) Browning BL-22, .22, serial number: 03155PR126
- 31) DPMS Panther Arms St. Cloud MN 223-5.56, Model A-15, serial number:
F083902
- 32) JC Higgins, Model 20, 12 gauge shotgun, no serial number
- 33) Remington Model 1100, 12 gauge Remington Arms, Ilion NY, serial number:
M748165X
- 34) Browning Arms Co Morgan Utah, .270 caliber, no serial number
- 35) Ruger American 30-06, serial number: 690-32719
- 36) Remington Versa max shotgun, serial number: RT17662A
- 37) Ruger Model 10/22, .22 caliber, serial number: 250-49700
- 38) Remington 870 Super Mag 20-200, 12 gauge shotgun, serial number:
AB701525A
- 39) Remington Model 1100, 12 gauge shotgun, serial number: 413440V
- 40) Mossberg 12 gauge shotgun, Model 835, serial number: UM500380
- 41) Remington Model 1100, 12 gauge shotgun, serial number: M474441M

- 42) Remington 870 Magnum, 12 gauge shotgun, serial number: T497998M
- 43) Remington, Model 11-87, 12 gauge shotgun, serial number: PC699703
- 44) Remington Chesapeake, Model 1100, 12 gauge shotgun, serial number:
DU810057
- 45) Remington Wingmaster, Model 870, 12 gauge shotgun, serial number:
C817573M
- 46) Remington, Model 870, 12 gauge shotgun, serial number: C884698M
- 47) Remington 410, Model 1100, gauge shotgun, serial number: L125380H
- 48) Remington, Model 870, 12 gauge shotgun, serial number: WFT1132
- 49) Remington Wingmaster, Model 8770, 12 gauge shotgun, serial number:
1249437V
- 50) Browning, Model Medallion, .22 caliber, serial number: 65411NM2M7
- 51) Winchester, Model 94, 30/30 rifle, serial number: LS23745
- 52) Mossberg shotgun, .410 caliber, serial number: P971681
- 53) Springfield Armory handgun, Model XD40, .40 caliber, serial number:
US247033
- 54) Winchester 70-338, .22 caliber, serial number: 35CZZ03689
- 55) Remington Model 870 Magnum, serial number: C573171M
- 56) Marlin, .22 caliber, serial number: 15489402
- 57) Ruger 10-22, serial number: 111-32347
- 58) Stevens 20 gauge shotgun, serial number: P067324
- 59) Remington 1187, serial number: PC582803

- 60) Colt .38 caliber revolver, Model DA38, serial number: 74669
- 61) Norinco Industries, Model SKS, 7.62 caliber rifle, serial number: D24056102
- 62) Romarm/Cugir, Model WASR-10, 7.62 caliber rifle, serial number: A1-18370-13
- 63) Smith and Wesson, Model SD40VE, .40 caliber pistol, serial number: FWN2504
- 64) Diamondback Firearms, Model DB15, 5.56 caliber rifle, serial number: DB1706206
- 65) CL 762 Rifle, made by Imbel SN: 56147
- 66) CN Romarm S/Cugir, SN BU-4571-86
- 67) Colt AR 15, SN: 741717
- 68) AK 47 Mak 90 Sportster, 7.62 x 39 caliber, SN 9477794
- 69) Titan .25 caliber handgun, SN ED72851
- 70) Beretta, .40 caliber semi-auto pistol, SN PY81780
- 71) Norinco Sporter semi-auto rifle, SN 9401533
- 72) Professional Ordinance, semi-auto rifle, SN C03786
- 73) Ruger .40 caliber semi-auto pistol, SN 340-37109
- 74) Rock Island Armory .45 semi-auto pistol, SN RIA1404664
- 75) Remington Genesis, SN: 14-13-03528-07
- 76) Shotgun Barrel, camo color with attached Thompson Center Scope Mount
- 77) Two shotgun barrels, black Remington Arms
- 78) ANY and ALL accompanying and seized ammunition.